

**SUMMONS**

Attorney(s) Edward F. Liston, Jr., Esq.

Office Address P.O. Box 1056, 9 Grand Ave., Bldg. 1, Ste. B  
Town, State, Zip Code Toms River, NJ 08754-1056

Telephone Number 732-244-5900

Attorney(s) for Plaintiff Zisel Morris  
Zisel Morris

Plaintiff(s)

vs.

Max Lebowitz and Aniko Lebowitz

Defendant(s)

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at [http://www.njcourts.gov/forms/10153\\_deptyclerklawref.pdf](http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf).) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at [http://www.njcourts.gov/forms/10153\\_deptyclerklawref.pdf](http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf).

*1st Michelle M. Smith*  
Clerk of the Superior Court

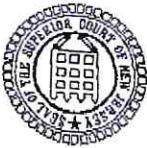
DATED: 10/26/2017

Name of Defendant to Be Served: Aniko Lebowitz

Address of Defendant to Be Served: 105 Hewes Street, Brooklyn, NY 11249-7803

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Appendix XII-B1

		<b>CIVIL CASE INFORMATION STATEMENT (CIS)</b> Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed		FOR USE BY CLERK'S OFFICE ONLY	
				PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA	CHG/CK NO.
		AMOUNT:			
		OVERPAYMENT:			
		BATCH NUMBER:			
ATTORNEY / PRO SE NAME Edward F. Liston, Jr., Esq.		TELEPHONE NUMBER (732) 244-5900	COUNTY OF VENUE Ocean		
FIRM NAME (if applicable) Edward F. Liston, Jr., LLC					DOCKET NUMBER (when available)
OFFICE ADDRESS P.O. Box 1056 9 Grand Avenue, Bldg. 1, Suite B Toms River, NJ 08754-1056					DOCUMENT TYPE Complaint
					JURY DEMAND <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
NAME OF PARTY (e.g., John Doe, Plaintiff) Zisel Morris, Plaintiff		CAPTION Zisel Morris vs. Max Lebowitz and Aniko Lebowitz, his wife			
CASE TYPE NUMBER (See reverse side for listing) 599		HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS			
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input type="checkbox"/> UNKNOWN			
<b>THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.</b>					
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION					
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS <input type="checkbox"/> OTHER (explain)			
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION					
 Do you or your client need any disability accommodations? <input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, please identify the requested accommodation			
Will an interpreter be needed? <input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, for what language?			
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).					
ATTORNEY SIGNATURE: 					

Side 2



## CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

<b>CASE TYPES</b> (Choose one and enter number of case type in appropriate space on the reverse side.)		
<b>Track I - 150 days' discovery</b>		
151 NAME CHANGE 175 FORFEITURE 302 TENANCY 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction) 502 BOOK ACCOUNT (debt collection matters only) 505 OTHER INSURANCE CLAIM (including declaratory judgment actions) 506 PIP COVERAGE 510 UM or UIM CLAIM (coverage issues only) 511 ACTION ON NEGOTIABLE INSTRUMENT 512 LEMON LAW 601 SUMMARY ACTION 802 OPEN PUBLIC RECORDS ACT (summary action) 999 OTHER (briefly describe nature of action)		
<b>Track II - 300 days' discovery</b>		
305 CONSTRUCTION 509 EMPLOYMENT (other than CEPA or LAD) 599 CONTRACT/COMMERCIAL TRANSACTION 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold) 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold) 605 PERSONAL INJURY 610 AUTO NEGLIGENCE - PROPERTY DAMAGE 621 UM or UIM CLAIM (includes bodily injury) 699 TORT - OTHER		
<b>Track III - 450 days' discovery</b>		
005 CIVIL RIGHTS 301 CONDEMNATION 602 ASSAULT AND BATTERY 604 MEDICAL MALPRACTICE 606 PRODUCT LIABILITY 607 PROFESSIONAL MALPRACTICE 608 TOXIC TORT 609 DEFAMATION 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES 617 INVERSE CONDEMNATION 618 LAW AGAINST DISCRIMINATION (LAD) CASES		
<b>Track IV - Active Case Management by Individual Judge / 450 days' discovery</b>		
156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION 303 MT. LAUREL 508 COMPLEX COMMERCIAL 513 COMPLEX CONSTRUCTION 514 INSURANCE FRAUD 620 FALSE CLAIMS ACT 701 ACTIONS IN LIEU OF PREROGATIVE WRITS		
<b>Multicounty Litigation (Track IV)</b>		
271 ACCUTANE/IROTRETINOIN 274 RISPERDAL/SEROQUEL/ZYPREXA 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL 282 FOSAMAX 285 STRYKER TRIDENT HIP IMPLANTS 286 LEVAQUIN 287 YAZ/YASMIN/OCELLA 289 REGLAN 290 POMPTON LAKES ENVIRONMENTAL LITIGATION 291 PELVIC MESH/GYNECARE		292 PELVIC MESH/BARD 293 DEPUY ASR HIP IMPLANT LITIGATION 295 ALLODERM REGENERATIVE TISSUE MATRIX 298 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS 297 MIRENA CONTRACEPTIVE DEVICE 299 OLMESARTAN MEDOXOMIL MEDICATIONS/BENICAR 300 TALC-BASED BODY POWDERS 601 ASBESTOS 623 PROPECIA 624 STRYKER LFIT C6C/ V40 FEMORAL HEADS
If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."		
Please check off each applicable category <input type="checkbox"/> Putative Class Action <input type="checkbox"/> Title 59		

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EDWARD F. LISTON, JR., LLC

Edward F. Liston, Jr., Esq.

ID #256911969.

9 Grand Avenue, Bldg. 1, Ste. B

P.O. Box 1056

Toms River, NJ 08754

(732) 244-5900

Attorneys for Plaintiff

ZISEL MORRIS

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
OCEAN COUNTY

Plaintiff

DOCKET NO.

vs.

Civil ActionMAX LEBOWITZ and ANIKO  
LEBOWITZ, his wife

COMPLAINT

Defendants

Plaintiff, ZISEL MORRIS, whose address is 428 Clifton Avenue, #109, Lakewood, New Jersey 08701, by way of Complaint against Defendants, says:

FIRST COUNT

1. In April 2015, Plaintiff, ZISEL MORRIS, entered into a Contract for the Sale of Real Estate as Buyer from Defendants, Max Lebowitz and Aniko Lebowitz, as Sellers. Under the terms of said contract the real property to be sold by Defendants, Max Lebowitz and Aniko Lebowitz, to Plaintiff is a single family residence located at 1416 Fernwood Avenue, Lakewood, New Jersey 08701, which premises are known and designated as

Block 31, Lot 10 on the official Tax Map of the Township of Lakewood.

2. On February 1, 2016 Plaintiff filed a Verified Complaint for Specific Performance under Docket No. OCN-C-19-16.
3. On September 30, 2016, an Order was entered by the Court granting Summary Judgment to Plaintiff and compelling specific performance of the contract to sell the subject real estate to Plaintiff, a copy of which is attached as Exhibit "A".
4. The matter on damages was transferred to the Law Division under Docket No. L-2670-16.
5. A Stipulation of Dismissal Without Prejudice was filed on September 11, 2017.
6. Based upon information and belief, tenants continued to occupy the premises until on or about September 15, 2017, with Defendants' permission, which prevented a closing from taking place.
7. The parties have been preparing for closing of title but no closing date has yet been scheduled.
8. The actions of Defendants, Max Lebowitz and Aniko Lebowitz, causing the delay in the eviction of the tenants from the subject premises has caused Plaintiff, Zisel Morris, to suffer damages for loss of rental income and other damages as set forth below:

Deterioration of Landscaping from July 31, 2015  
through October 26, 2016: Ground has been ripped  
up, trees are overgrown; roof and soffits now have  
large holes and leaks; garage door is now broken  
and stuck in the open position

\$ 10,000.00

Loss of use of funds held in escrow for months due to  
Defendants failure to close on July 31, 2015

5,000.00

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Lost rental income (\$1,700 per month for 26 months)	44,200.00
Increase in costs of building supplies/construction costs for planning addition and refurbishment	75,000.00
Unknown damage to interior of premises due to the fact that 10+ persons have been living there for the past 26 months with no maintenance	<u>50,000.00</u>
Total Estimated damages	\$ 184,200.00

WHEREFORE, Plaintiff demands judgment against the Defendants as follows:

- A. For an Order compelling Defendants to pay to Plaintiffs the sum of \$184,200.00 for damages sustained due to the delay in title closing and deterioration of premises;
- B. For counsel fees and costs of suit; and
- C. For such other relief as the Court may deem equitable and just.

EDWARD F. LISTON, JR., LLC

By:

EDWARD F. LISTON, JR., ESQ.  
Attorneys for Plaintiff

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, EDWARD F. LISTON, JR., is hereby designated as trial counsel for Plaintiffs the above matter.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues triable before jury.

EDWARD F. LISTON, JR., LLC



BY:

EDWARD F. LISTON, JR., ESQ.  
Attorneys for Plaintiff

DATED: October 26, 2017

CERTIFICATION

PURSUANT TO R. 4:5-1, it is hereby certified that to the best of my knowledge there are no other pending actions or proceedings involving the matter in controversy, none are contemplated, and I do not presently know the identity of any other party who should be joined.

EDWARD F. LISTON, JR., LLC



BY:

EDWARD F. LISTON, JR., ESQ.  
Attorneys for Plaintiffs

DATED: October 26, 2017

# Exhibit A

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EDWARD F. LISTON, JR., LLC  
 Edward F. Liston, Jr., Esq.  
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 207 Hooper Avenue  
 Toms River, NJ 08754  
 (732) 244-5900  
 Attorneys for Plaintiff

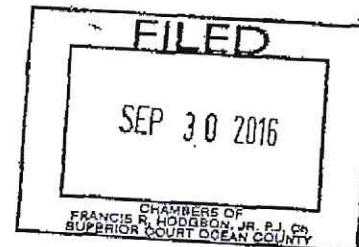
ZISEL MORRIS,

Plaintiff,

vs.

MAX LEBOWITZ and  
ANIKO LEBOWITZ

Defendants.



SUPERIOR COURT OF NEW JERSEY  
 CHANCERY DIVISION: OCEAN COUNTY  
 DOCKET NO.: OCN-C-19-16

Civil Action

ORDER, GRANTING PLAINTIFF'S MOTION FOR  
 SUMMARY JUDGMENT, AND COMPELLING  
 SPECIFIC PERFORMANCE OF CONTRACT TO  
 SELL REAL ESTATE

This matter having been brought before the Court by way of summary-judgment motion by Edward F. Liston, Jr., Esquire (Edward F. Liston, Jr., LLC), counsel for the plaintiff; said motion on notice to Adam Pfeffer, Esquire, (Levin, Shea & Pfeffer, P.A.) counsel for defendants; and the Court having considered the papers submitted in support of plaintiff's motion, and any papers in opposition to same; and good cause for granting plaintiff's motion appearing;

It is on this 30<sup>th</sup> day of September, 2016, Ordered as follows:

1. Plaintiff's motion for summary judgment is granted.
2. Summary judgment is hereby entered in favor of plaintiff and against the defendants as follows. Plaintiff is entitled to specific performance of his contract to purchase from Max Lebowitz

*2/16/17  
2/21/17  
9/21/17*

and Aniko Lebowitz the property known as Lakewood Township Tax Map as Block 31, Lot 10 (street address: 1416 Fernwood Avenue, Lakewood, New Jersey), said purchase on the terms set forth in the parties' Contract of Sale and Addendum thereto which was appended to the complaint. The closing shall take place within \_\_\_\_ days from the date hereof; plaintiff may move for an order to enforce litigant's rights, R. 1:10-3, if the defendants do not close or otherwise abide by this Order.

3. Defendant shall immediately notify the current tenants of the property of the proposed closing date and shall serve upon said tenants a Notice to Quit advising them of the date upon which they must vacate the subject premises.

4. In the event the tenants fail to vacate the premises in accordance with the aforementioned Notice to Quit so that the Defendants can comply with the terms of the Contract and Addendum thereto to deliver the premises to the Plaintiff vacant, Defendants shall file an action in the Superior Court of New Jersey, Landlord-Tenant Part to evict the tenants. Defendants shall provide proof of said filing and the notice of trial date to the Plaintiffs.

5. A copy of this Order shall be served on all counsel of record within 7 days of the date hereof.

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6. This Court made findings of fact and conclusions of law in connection with plaintiff's motion. The findings/conclusions were set forth in an opinion which was:

in writing

verbally set forth on the record

6. The opinion referenced in paragraph 6 was set forth on the following date(s): September 27, 2016.

7. Plaintiff's claim for damages as set forth in Paragraph 18 of the First Count of Plaintiff's Complaint should be transferred to the Superior Court of New Jersey, Law Division, and Ocean County for trial

Hon. Francis R. Hodgson, Jr., P.J.Ch.

Plaintiff's motion was:  Opposed  Unopposed